

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**FLORIDA BANKERS ASSOCIATION and)
TEXAS BANKERS ASSOCIATION,)**

Plaintiffs-Appellants)

v.)

No. 14-5036

**UNITED STATES DEPARTMENT OF THE)
TREASURY, *et al.*,)**

Defendants-Appellees)

BILL OF COSTS DECLARATION

JOHN A. NOLET, counsel for the United States, states as follows:

1. Rule 39(b) of the Federal Rules of Appellate Procedure provides that “[c]osts for or against the United States, its agency, or officer will be assessed under Rule 39(a) only if authorized by law.” Under 28 U.S.C. § 2412(a)(1), “[e]xcept as otherwise specifically provided by statute, a judgment for costs, as enumerated in section 1920 of this title [exclusive of attorneys’ fees] may be awarded to the prevailing party in any civil action brought by or against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction of such action.”

Under 28 U.S.C. § 1920(4), taxable costs include the costs of copying papers necessarily filed in the case.

2. I am an attorney employed in the Appellate Section of the Tax Division of the Department of Justice, and in that capacity I have knowledge of the cost of duplicating the appellee's answering brief and supplemental appendix filed and served in the United States Court of Appeals for the District of Columbia Circuit in the above-entitled case. The total cost of duplicating said items was \$112.68 as shown by the accompanying copies of this Court's bill of costs worksheet and this office's memorandum certifying in-house photocopy costs, both dated August 27, 2015. This total cost is correct to the best of my knowledge and belief and has been necessarily incurred.

I declare under penalty of perjury pursuant to 28 U.S.C. Section 1746 that the foregoing is true and correct. Executed this 27th day of August, 2015, at Washington D.C.

s/ John A. Nolet
JOHN A. NOLET
Attorney

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
 Washington, DC 20001-2866
 Phone: 202-216-7000 | Facsimile: 202-219-8530

Florida Bankers Ass'n and Texas Bankers Ass'n

v.

U.S. Dep't of Treasury, et al.

(Type caption of lead case only)

Appeal No. 14-5036

Consolidated Case Nos.

The Clerk is directed to tax costs, pursuant to Fed. R. App. P. 39 and Local Rule 39, for the docketing fee (receivable only by appellant/petitioner), and for the cost of reproducing only the number of copies of briefs and appendices which have been required to be filed with the Court or served on parties, intervenors and amici curiae, plus three copies for the prevailing party. Bills of costs must be filed within fourteen (14) days after entry of judgment. The Court looks with disfavor upon motions to the file bills of costs out of time.

BILL OF COSTS

Comes now the U.S. Dep't of Treasury (appellee) (appellant, petitioner, appellee, or respondent), (the) (a) prevailing party in Appeal Nos. 14-5036, by counsel, and states that costs have been incurred in said case(s) which should be taxed (solely) (jointly and severally) against the following (party) (parties)

NAME OF PARTY OR PARTIES

APPEAL NO.

(1) Florida Bankers Ass'n

14-5036

(2) Texas Bankers Ass'n

14-5036

(3)

(4)

(5)

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastner	=	Subtotal
TEXT:								
9	X	94	=	846	X	\$ 0.06	=	\$ 50.76
COLOR:								
	X		=		X		=	
FRONT COVERS:								
	X		=		X		=	
BACK COVERS:								
	X		=		X		=	
FASTENERS:								
	X		=		X		=	
AMOUNT \$								50.76

REPLY BRIEF (if applicable)

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastner	=	Subtotal
TEXT:								
	X		=		X		=	
COLOR:								
	X		=		X		=	
FRONT COVERS:								
	X		=		X		=	
BACK COVERS:								
	X		=		X		=	
FASTENERS:								
	X		=		X		=	
AMOUNT \$								

APPENDIX

Total # copies of briefs		Pages, Covers or fasteners per brief	=	Total # of pages, covers or fasteners		Fee per page, cover or fastner	=	Subtotal
TEXT:								
8	X	129	=	1,032	X	\$ 0.06	=	\$ 61.92
COLOR:								
	X		=		X		=	
FRONT COVERS:								
	X		=		X		=	
BACK COVERS:								
	X		=		X		=	
FASTENERS:								
	X		=		X		=	
AMOUNT \$								61.92

AMOUNT OF SUBTOTALS \$ 112.68

DOCKETING FEE (if applicable) \$

TOTAL COSTS TO BE TAXED \$ 112.68

It is understood that the Clerk will tax costs only against those parties specifically named herein and in the amount which does not exceed either the specific sum claimed or the total allowable amount determined in accordance with Circuit Rule 39.

The costs claimed as actual costs are the actual costs incurred. A copy of the printer's/duplicator's bill, or other sufficient documentation of actual costs incurred, is attached.

John A. Nolet

s/ John A. Nolet

Typed Name of Counsel

Signature of Counsel

U.S. Dep't of Justice, Tax Division, Appellate Section

Counsel's Address

P.O. Box 502, Washington, DC 20044

(202) 514-2935

Counsel's Telephone Number

VERIFICATION *

State of

)

)

SS:

County of

)

COMES NOW _____, and being first duly sworn, does depose and state that (he) (she) signed the foregoing Bill of Costs, that the costs claimed therein were incurred in connection with the captioned appellate proceeding and, as set forth, are true and correct.

SUBSCRIBED AND SWORN TO before the undersigned, a Notary public, this ____ day of _____, 20 ____.

Notary Public

(Notary seal or stamp)

COUNSEL SHALL ATTACH A CERTIFICATE OF SERVICE

*In lieu of this sworn verification, an unsworn declaration in conformity with 28 U.S.C. 1746 may be substituted.

Total: \$112.68

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I further certify that all participants in the case are registered CM/ECF users and will be served electronically.

s/ John A. Nolet
JOHN A. NOLET
Attorney